

**To:** Sandra Epp Ryan([trademark@hsml.com](mailto:trademark@hsml.com))  
**Subject:** U.S. Trademark Application Serial No. 97708812 - RESIDENT EVIL:  
WELCOME TO RACCOON CITY - 8279.2228US0  
**Sent:** September 20, 2023 12:39:24 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

**United States Patent and Trademark Office (USPTO)  
Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application Serial No.** 97708812

**Mark:** RESIDENT EVIL: WELCOME TO RACCOON CITY

**Correspondence Address:**

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UNITED STATES

**Applicant:** CAPCOM CO., LTD.

**Reference/Docket No.** 8279.2228US0

**Correspondence Email Address:** [trademark@hsml.com](mailto:trademark@hsml.com)

**NONFINAL OFFICE ACTION**

**Response deadline.** File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

**Request an extension.** For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant’s response to this letter within six months of the “Issue date” to avoid abandonment of the application.

**Issue date:** September 20, 2023

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

## SUMMARY OF ISSUES:

- IDENTIFICATION OF GOODS AND SERVICES
- EXPLANATION OF MARK'S SIGNIFICANCE REQUIRED

## SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

## IDENTIFICATION OF GOODS AND SERVICES

The identification of goods is indefinite and must be clarified because the nature of some of the goods are unclear. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend the identification to specify the common commercial or generic name of the goods. *See* TMEP §1402.01. If the goods have no common commercial or generic name, applicant must describe the product, its main purpose, and its intended uses. *See id.*

The identification of services is indefinite and must be clarified because the nature of some of the services are unclear. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend the identification to specify the common commercial or generic name of the services. *See* TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. *See id.*

Applicant may adopt the following wording, if accurate:

International Class 9: Downloadable images, videos and movies **in the field of {indicate subject matter}**; Downloadable video recordings **featuring {specify subject matter, e.g., music, self-improvement, mathematics instruction}**; Downloadable video recordings featuring music; Downloadable films and movies featuring {indicate subject matter} **provided via a vide-on-demand service**; Pre-recorded movie films **in the field off {indicate subject matter}**; Exposed cinematographic films; Electronic circuits, magnetic discs, optical magnetic discs and optical discs in the form of ROM cartridges and storage media storing programs for handheld game apparatus with liquid crystal display; Downloadable game programs for handheld game apparatus with liquid crystal display; Electronic circuits, magnetic discs, optical magnetic discs and optical discs in the form of ROM cartridges and storage media storing programs for consumer video game apparatus; Downloadable **computer** game programs for consumer video game apparatus; Downloadable **computer** game programs for mobile phones; Downloadable **computer** game programs for smart phones; Downloadable **computer** game programs for mobile communication terminals; Downloadable computer game programs; **Recorded** computer game programs; Electronic circuits, magnetic discs, optical magnetic discs, optical discs and storage media storing computer game programs; Electronic circuits and storage media storing programs for arcade video game machines; Downloadable game programs for arcade video game machines; Downloadable game programs; Parts, fittings and accessories for mobile information terminal equipment in the shape of a watch; Parts, fittings and accessories for smart phones, **namely, {specify, e.g., smartphone battery chargers, cases for smartphones}**; Storage media storing programs for handheld game apparatus with liquid crystal display, programs for consumer video game apparatus, game programs for computers and programs for arcade video game machines featuring electronic sports; **Downloadable game** programs for handheld

game apparatus with liquid crystal display, **downloadable game** programs for consumer video game apparatus, **downloadable computer game** programs for mobile phones, **downloadable computer game** programs for smart phones, **downloadable computer game** programs for mobile communication terminals, **downloadable computer game** programs for computers, **downloadable** programs for arcade video game machines and **downloadable** game programs featuring electronic sports; **downloadable electronic** game programs for arcade video game machines; Telecommunication machines and apparatus, **namely, {specify, e.g., telecommunication apparatus in the nature of wireless receivers in the form of jewelry}**; Personal digital assistants in the shape of a watch; Smartphones; Mobile communication terminals; Electronic machines, apparatus and their parts, **namely, {specify, e.g., computers and computer peripheral devices}**; **Downloadable** game programs for consumer video game apparatus; **Downloadable computer game** programs for handheld games with liquid crystal displays; Phonograph records **featuring {indicate subject matter}**; Downloadable music files; Downloadable image files **containing {indicate content or subject matter}**; **Video disks with recorded** animated cartoons; Downloadable images, videos, motion pictures, music, audio, information of text **in the field of {indicate subject matter}**; Recorded video discs and video tapes **featuring {indicate subject matter}**; Compact discs **featuring {indicate subject matter}**; **Downloadable** electronic publications **in the nature of {indicate specific nature of publication} in the field of {indicate subject matter of publication}**

International Class 41: Dubbing **for** movies; Dubbing; Post-production editing services in the field of music, videos and films; Arranging and planning of movies, shows, plays or musical performances; Providing films, not downloadable, via video-on-demand **transmission** services; Video film production; Movie theatre presentations or movie film production and distribution; Presentation and rental of sound and image recordings; Motion picture film production; Distribution of motion picture films; Providing **online non-downloadable** videos **in the field of {indicate subject matter}**; Providing digital music from the Internet, not downloadable; Presentation of musical performances; Presentation of live show performances; Production of television, radio, video and movie programs; Production of videotape film in the field of education, culture, entertainment or sports, not for movies or television programs and not for advertising or publicity; Film, music, sport, video and theater entertainment services, **namely, providing a website featuring non-downloadable audio clips, video clips, and photographs in the field of {indicate subject matter}**; Audio, film, video and television recording services, not for advertising or publicity; **Entertainment services, namely, conducting a series of** film festivals; Organization of entertainment events excluding movies, shows, plays, musical performances, sports, horse races, bicycle races, boat races and auto races, **namely, {specify, organization of video game competitions}**; Film rental; Rental of motion pictures; Rental of motion pictures and of sound recordings; Rental of video tapes; On-line game services and providing information relating thereto; Game services provided on-line from a computer network and providing information relating thereto; On-line game services for mobile telephones and providing information relating thereto; On-line game services for smart phones and providing information relating thereto; On-line game services for mobile communication terminals and providing information relating thereto; Providing on-line computer games and providing information relating thereto; On-line game services for handheld games with liquid crystal displays and consumer video game apparatus, and providing information relating thereto; Online game services for arcade video game machines and providing information relating thereto; Organization, arranging or conducting of game tournaments and game competitions, and providing information relating thereto; Organization, arranging or conducting of **entertainment** events relating to games; Organization, arranging or conducting of electronic sports events **relating to games for consumer video game apparatus**, and providing information relating thereto; Organization, arranging or conducting of cultural or entertainment events related to electronic sports, and providing information relating thereto; Organization, arranging or conducting of sporting, cultural or entertainment events,

and providing information relating thereto; Organization, arranging and conducting of sports competitions; Organization, arranging or conducting of game tournaments and game competitions in the field of electronic sports, and providing information relating thereto; Providing on-line non-downloadable videos featuring electronic sports and providing information relating thereto; **providing online non-downloadable** multimedia entertainment programs featuring electronic sports by television, broadband, wireless and on-line services and providing information relating thereto; **providing online non-downloadable** multimedia entertainment programs by television, broadband, wireless and on-line services and providing information relating thereto; **providing online non-downloadable** images, videos, movies, music, audio, information of text via computer networks and providing information relating thereto; **providing online non-downloadable** images, videos, movies, music, audio and information of text in communications by mobile telephones, smart phones and mobile communication terminals, and providing information relating thereto; Entertainment services featuring electronic sports and providing information relating thereto; Providing amusement facilities, play facilities and sports facilities featuring electronic sports, and providing information relating thereto; Providing sports facilities; Organization, arranging or conducting of events featuring cartoons, animations and movies, and providing information relating thereto; Organization, arranging and conducting of movies, shows, plays or musical performances, and providing information relating thereto; Virtual reality game services provided on-line from a computer network and providing information relating thereto; Augmented reality game services provided on-line from a computer network and providing information relating thereto; Educational and instruction services relating to arts, crafts, sports or general knowledge **in the nature of providing {specify, e.g., classes, workshops, seminars}**; Arranging, conducting and organization of seminars **in the field of {indicate subject matter}**; Providing on-line **non-downloadable** electronic publications **in the nature of {indicate specific nature of publications, e.g., books, magazines, brochures, etc.} in the field of {indicate subject matter of the publications}**; Services of reference libraries for literature and documentary records; Direction or presentation of plays; Production of radio or television programs; Providing amusement facilities and providing information relating thereto; Rental of records or sound-recorded magnetic tapes; Rental of image-recorded magnetic tapes; Entertainment services, **namely, {please specify, e.g., providing online puzzle games}** and providing information relating thereto; Booking of seats for shows and sports events

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [\*U.S. Acceptable Identification of Goods and Services Manual\*](#). *See* TMEP §1402.04.

## **EXPLANATION OF MARK'S SIGNIFICANCE REQUIRED**

To permit proper examination of the application, applicant must explain whether the wording "RESIDENT EVIL: Welcome to Raccoon City" in the mark has any significance in the applicant's trade or industry or as applied to applicant's goods and/or services, or if such wording is a term of art within applicant's industry. *See* 37 C.F.R. §2.61(b); TMEP §814. If the wording has no significance and is not a term of art in the relevant trade or industry or as used with applicant's goods and/or services, applicant must provide a statement to that effect. *See* 37 C.F.R. §2.61(b); TMEP §814.

To respond to this requirement for information, open the appropriate Trademark Electronic Application System (TEAS) response form and enter the serial number, answer “yes” to question 3, and provide the information on the “Additional Statement(s)” page in the “Significance of Wording, Letter(s), or Numeral(s)” text box(es) in the form.

Failure to comply with a requirement for information is an independent ground for refusing registration. *In re SICPA Holding SA*, 2021 USPQ2d 613, at \*6 (TTAB 2021) (citing *In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTI P’ship LLP*, 67 USPQ2d 1699, 1701-02 (TTAB 2003); TMEP §814).

**Response guidelines.** For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see “[Responding to Office Actions](#)” and the informational [video “Response to Office Action”](#) for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

**How to respond.** File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/David Aleskow/  
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## RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant’s ability to timely respond. For help resolving technical issues with TEAS, email [TEAS@uspto.gov](mailto:TEAS@uspto.gov).
- [Responses signed by an unauthorized party](#) are not accepted and can **cause the application to**

**abandon**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with **legal authority to bind a juristic applicant**. If applicant has an attorney, the response must be signed by the attorney.

- If needed, **find** **contact information for the supervisor** of the office or unit listed in the signature block.

## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on September 20, 2023 for  
**U.S. Trademark Application Serial No. 97708812**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

### GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.